

**COUNCIL MINUTES
TIGARD CITY COUNCIL MEETING
March 11, 2003**

Mayor Griffith called the meeting to order at 6:30 p.m.

Council Present: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson

- **STUDY SESSION**

- **REVIEW COUNCIL GROUND RULES**

Council briefly reviewed with City Manager Monahan information received about Council Groundrules, including the last update to the Groundrules set forth in Resolution No. 01-47. No revisions were requested at this time.

- Council reviewed the proposed budget prepared by Administration Staff for the City Council expenditures in FY 03/04. City Departments are attempting to identify potential program reductions or program cuts of 10 percent of initial budget proposals. Council discussed possible areas for reduction in Council expenditures, including:

- discontinuing membership in National League of Cities
 - delete attendance at NLC Conference
 - 10% reduction in stipends
 - delete/reduce amount for Council meals
 - delete/reduce amount for business lunches

Staff will revisit this topic again next meeting to determine consensus on reductions.

- **Initial Review of Community Grant Requests**

Finance Director Prosser reviewed this item with the Council. During the review, Council determined that a 10% cutback would be implemented for community events as was being done for other City programs. When considering new requests, Council would fund if the organization requesting the funding had an established event or program that had a proven track record.

Council consensus was to recommend to the Budget Committee to fund the following requests as follows:

Broadway Rose -		\$10,000
City of Tigard Dog Park		400
Festival of Balloons		10,000
Lions Club		0
Tigard Blast		5,000
Tigard 4 th of July		7,500
Tigard 4 th of July – In-Kind	\$1,600	
Tigard High Graduation Ceremony		1,000
Tualatin Riverkeepers		2,000
Tualatin Riverkeepers – In-Kind	500	
Tualatin Valley Community Band		1,850
Urban Hope		0

➤ Administrative Items

- Shining Stars Banquet is on May 2, 6 p.m. at Greenwood Inn. Councilor Sherwood advised she is attending. Mayor Griffith and Dirksen may attend, but need to first check their calendars for availability. In years past, City has purchased tickets to this event; however, after a brief discussion, consensus of Council was that they would personally pay for the tickets.
- Joint Meeting with the Tigard-Tualatin School Board and the Tualatin City Council will be on April 3, 7 p.m., at the School Administration Building. Topics suggested for review included recreation and construction.
- Michael Allen Harrison Benefit Concert for the New Tigard Library will be on April 4 at Tigard High School; 7:30 p.m.
- Tualatin Valley Fire & Rescue Lunch – After brief discussion Council consensus was that they would like to meet at TVF&R and also tour the facility.
- City Manager Monahan noted that a resolution acknowledging the years of service by Ron Goodpaster will be added for Council Consideration during the Non-Agenda Item (No. 10)
- Roger's Machinery Legal Update – City Manager Monahan noted the U.S. Supreme Court declined to review the appeal. A companion case asking for damages was also filed for this matter; it is hoped that this case will be dropped. City Manager noted that the legal preparation for this case was a cooperative effort between Tigard and Washington County.

- A revised resolution for Item 4.3 was distributed to Council deleting language referencing the library.
- Park and Recreation Board – City Manager Monahan noted that a proposal for Council review to create a Park and Recreation Board was on the agenda (No. 8). However Gary Firestone of the City Attorney's office pointed out to staff that Tigard Municipal Code Chapter 2.12 is still valid; this chapter outlines structure for a Park and Recreation Board. Council agreed with the City Manager that the existing structure could be used to begin recruiting members for a new Board. The City Manager will compare existing wording to what has been discussed for a new board. Any changes can be done by an ordinance amending the existing Code language. This item will be scheduled for Council review in March or April.

Study session concluded at 7:25 p.m.

1. BUSINESS MEETING

- 1.1 Mayor Griffith called the City Council & Local Contract Review Board meeting to order at 7:33 p.m.
- 1.2 Roll Call: Mayor Griffith, Councilors Dirksen, Moore, Sherwood, and Wilson.
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports – Councilor Dirksen advised he would give a report on the status of the Downtown Task Force.
- 1.5 Call to Council and Staff for Non-Agenda Items – City Manager noted that Council would consider a resolution acknowledging the contributions of retired Chief of Police Ron Goodpaster.

2. PROCLAMATIONS

Mayor Griffith announced the following:

- 2.1 Proclaim April 5, 2003, as Vision and Hearing Day
- 2.2 Proclaim March 14 and 15 as National Wildlife Refuge Centennial Commemoration

3. VISITOR'S AGENDA

- Tigard High School Student Envoy Paul Brems updated Council on recent and planned activities at Tigard High School. A copy of his report is on file in the City Recorder's office.
- Tigard Area Chamber of Commerce Representative Dan Murphy reported on recent and planned activities of the Chamber. He noted the Bowlerama last

weekend, Red Robin Restaurant opened at Washington Square II and he referred to upcoming activities at Red Roof Inn and Greenwood Inn. On March 26 the Business Advocacy Committee will meet with representatives from TriMet. The Shining Stars Banquet will be held on May 2.

- Dave Nicoli, 20040 SW Edy Road, Sherwood, OR 97140, updated the Council on efforts to fund recreation programs in the Tigard-Tualatin area. He referred to the Atfalati Recreation District funding proposal that was turned down by the voters in 1999. He said another effort is being launched to form a youth services district that would be patterned after the former Atfalati proposal. This renewed activity is in response to the recent funding problems schools are encountering for sports programs and sports facilities, which led to the decision to close the swim centers. The group working on this funding proposal is going to try to have a ballot measure before voters in September or November '03 asking for funding approval.
4. **CONSENT AGENDA:** Motion by Councilor Dirksen, seconded by Councilor Sherwood, to adopt the Consent Agenda as follows (with a revised resolution for Agenda Item 4.3 as noted during the Study Session):
- 4.1 Approve Council Minutes for February 18, 2003
 - 4.2 Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
 - 4.3 Approve a Reimbursement Declaration and Authorize Subsequent Reimbursement Declarations for the Expenses of Developing a 550-Foot Reservoir and Related Improvement Projects at the Alberta Rider School Property – Resolution No. 03- 06
 - 4.4 Approve Appointment of Forrest Nabors as a Member of the Budget Committee and Approve Appointment of Mark Mahon as an Alternate to the Budget Committee – Resolution No. 03-07
 - 4.5 Authorize the League of Oregon Cities to Coordinate the Filing of an Appeal (on the City's behalf, through outside counsel) for the Rate Increase Received from the Public Employee Retirement System – Resolution No. 03-08
 - 4.6 Local Contract Review Board:
 - a. Award Contract to Canby Excavating, Inc. for the Construction of Gaarde Street (121st Avenue to Pacific Highway) Improvements, Phase 2 for Street, Water, Sanitary Sewer, Storm Drainage and Utilities
 - b. Award Contract to White Shield, Inc., for Surveying Services for the Gaarde Street Improvement Project, Phase 2

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

5. UPDATE ON THE NEW TIGARD LIBRARY

Library staff member Paula Walker updated Council on the status of the new Tigard Library. Highlights of her presentation are on file in the City Recorder's office. She reviewed the timeline ("countdown to a new library), the upcoming Site Master Plan meeting for Fanno Creek Park on April 3, and fundraising activity.

6. UPDATE ON HIGHWAY 217 STUDY

Community Development Director Hendryx reviewed this agenda item. The staff report outlines the major aspects of the Highway 217 study that is lead by Metro.

7. REVIEW PROPOSED WALL STREET LOCAL IMPROVEMENT DISTRICT INITIAL REPORT

City Engineer Gus Duenas presented the staff report, which is on file in the City Recorder's office. Marlin DeHaas reviewed the elements of the report submitted to the City Council. Highlights of the presentations to Council are on file in the City Recorder's office (PowerPoint presentation). The presentation and Council discussion included the following:

- Review of the types of improvement proposed through formation of the local improvement district.
- Review of significant issues including wetland mitigation.
- Plans for a bridge (preliminary drawing).
- Estimated cost of almost \$6 million.
- What the next step in the study would be if Council authorized staff to proceed.
- Key issues that need to be resolved with the Oregon Department of Transportation, Portland & Western Railroad, and the property owners served by the spur track.
- Review of the manmade ponds on the property (water quality – what is proposed).

While not a public hearing, the following persons spoke to the Council about the subject local improvement district:

- Paul Zalek, 650 Hawthorne Avenue, Salem Oregon representing Portland & Western Railroad gave some background information about the railroad and the accumulation of assets through the years. He referred to the shared-use agreement with Washington County for the future commuter rail.

Mr. Zalek advised that, in general, the Railroad was opposed to new at-grade railroad crossings because of safety concerns and economics (such crossings are expensive to install and maintain).

He noted in the area where the LID was being proposed, the Railroad uses this unimpeded 1.9 miles length of track for a railroad car switching area. Mr. Zalek also noted that economic value would be lost if the spur track was eliminated. The Railroad would seek functional compensation for any losses.

Council members discussed issues with Mr. Zalek including what options the Railroad might consider if an at-grade crossing were granted and where a yard might be located for the switching of railroad cars.

Mr. Zalek reiterated the Railroad's opposition as noted above.

- Brian Wegener, Tualatin Riverkeepers, 16507 SW Roy Rogers Road, Sherwood, Oregon 97140, noted concerns about the impact to the Fanno Creek Watershed. Mr. Wegener submitted a letter containing the highlights of his testimony, which is on file in the City Recorder's office.
- John Manghelli, 16415 SW 93rd, Tigard, Oregon submitted a letter written by Pat Whiting objecting to the taxpayer funds being used to further this project. A copy of Ms. Whiting's March 11, 2003, letter is on file in the City Recorder's office. Mr. Manghelli also expressed objections to proceeding with the study of the local improvement district.
- John Frewing, 7110 SW Lola Lane, Tigard, Oregon, expressed concern about continued work on the engineering study. The highlights of Mr. Frewing's comments are outlined in a March 11 communication to Mayor Griffith, which is on file in the City Recorder's office. He referred to the sales contract for the property, which included a consideration that the City of Tigard pursue a Wall Street LID. He said he thought that the City of Tigard has adequately "pursued." Mr. Frewing also registered concerns about the 100-year flood plain determination – whether recent upstream development had been taken into consideration.

- Sue Bielke, Director, The Biodiversity Project of Tigard, 11755 SW 114th Place, Tigard, Oregon, said she concurred with previous testimony and recommended that the City discontinue any more work on the preliminary engineer's report. She cited better alternatives for traffic congestion problems than extending Wall Street. She referred to concerns by her and others in Tigard about preserving the quality of life by providing more parks, greenspaces, and open spaces. She asked the Council to honor the visioning process. Ms. Bielke said the impacts of the library construction will be great in and of itself and did not want the added impacts of the . She also said there is a high failure rate of mitigation efforts. She said she and those she has talked to are willing to pay for parks.
- Jeff Douglas, 8317 SW Char Court, Tigard, Oregon said no more dollars should be spent on this issue. He said the LID was not a good solution to traffic problems; another at-grade railroad crossing was not needed. He referred to the hurdles that would need to be overcome to proceed with an LID including permitting and approvals from the Oregon Department of Transportation, Railroad, Corps of Engineers and others. He said the area near the new library should be used for pedestrians and bicycles rather than a road.

Councilor Wilson commented about the choice between parks and movement of traffic. He cited the increased capacity potential to move 7,000 vehicles per day. The proposal to widen Hall Boulevard has no identified funding, while property owners would pay for the Wall Street Local Improvement District.

- Fred Fields, 1149 SW Davenport, Portland, Oregon advised that he is the owner of the property that would benefit from the Local Improvement District. He noted that the Wall Street route has been identified for about 35 or 40 years. He also noted that he has paid taxes on this property since 1957 and he would like to do something with the property that would benefit both himself and the City of Tigard. Mr. Fields sold the property to the City for the new library and if the LID is blocked at this level he might consider nullifying the deal for the sale of the property. Mr. Fields said he doesn't agree with the Railroad's position as stated tonight and commented that additional cars will still need to find a way to cross the railroad tracks regardless of the location. He noted the railroad spur could be relocated.

In response to a question from Mayor Griffith about whether Mr. Fields could access his property from Milton Court, Mr. Fields advised that he already has access to the property.

City Attorney Ramis commented on the term "pursue" as it is referenced in the terms of sale for the property purchased by the City from Mr. Fields. "Pursue" is not a legal term; it is used in the contract of sale to describe the good faith effort the City

will undertake to form a Wall Street LID. Mr. Ramis suggested that the point at which it would be "safe" (meet the terms of the contract) to stop pursuit of the LID would be at the time it is documented that a fatal flaw had been encountered.

Council meeting recessed at 9:48 p.m.

Council meeting reconvened at 9:56 p.m.

Council comments followed:

- Councilor Moore cited the track record of the Council's support for greenspaces. He said that if a bond measure was proposed for greenspaces, he would support it. The Preliminary Engineer's Report (as noted in the City Engineer's staff report) is at the Conceptual Report stage, which is at 35% of design plans for the LID. Councilor Moore recommended that the staff proceed to the next level, which would be to complete 60% of the work needed for design plans. He said that this was owed to Mr. Fields to assure that "due diligence" had been performed in examining whether or not a Wall Street LID should be formed. Councilor Moore also noted that this property could have been developed at R-12.
- Councilor Wilson concurred with Councilor Moore to proceed with the Preliminary Engineer's report. He referenced another railroad crossing that had been identified in the Transportation System Plan.
- Councilor Sherwood thanked those who testified, but cautioned them that they cannot close the door behind them with regard to development of property in the area. She stated that it was Mr. Field's right as a property owner to pursue improvements for his property. She said she was not in favor of continuing with more work on the Preliminary Engineer's Report.
- Councilor Dirksen said that it looks as if the LID has obstacles; however, it will not be known whether one or more of these obstacles is fatal until more work is done on the study. He referred the need to pursue all alternatives to assist transportation, including that of improving Hall Boulevard. He support the property owner's right to develop property. Councilor Dirksen was in favor of continuing work on the Preliminary Engineer's Report.

City Engineer Duenas commented on talk of a new railroad yard – he said that this would be outside the scope of this project. He reviewed the next steps, which would be to make formal application to ODOT for the bridge. Mr. Duenas clarified that with regard to testimony presented by Mr. Frewing, that updated floodplain maps would be used in the report.

Councilors Moore, Wilson, and Dirksen supported proceeding with the report; Councilor Sherwood was not in favor of moving forward with more work on the LID.

8. CONSIDER ESTABLISHING A PARK AND RECREATION ADVISORY BOARD

- City Manager Monahan referred to the existence of language in Chapter 2.12 of the Tigard Municipal Code outlining the structure for a Park and Recreation Board. No Park Board has been in existence since 1992. He suggested the Council reactivate the Park Board. Mr. Monahan will compare existing wording to what has been discussed for a new board. Any changes can be done by an ordinance amending the existing Code language. This item will be scheduled for Council review later in March or April.

Motion by Councilor Moore, seconded by Councilor Sherwood, to reactivate the Park and Recreation Board utilizing the provisions of Chapter 2.12, which will also be compared to and may be amended by proposals in the new ordinance drafted to establish a Park and Recreation Board.

The motion was approved by a unanimous vote of Council:

Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

9. COUNCIL LIAISON REPORTS

Councilor Dirksen advised that the Downtown Task Force last met on February 27 and came to a conclusion on design recommendations for the commuter rail station to be located in the downtown area. These recommendations will be presented to the Council at its March 25, 2003, meeting.

The next item for the Task Force to consider will be for pedestrian and traffic improvements adjacent to the station.

10. NON AGENDA ITEMS

City Recorder Wheatley presented a draft resolution for the Council to consider that acknowledged the service rendered by retired Chief of Police Ron Goodpaster.

Motion by Councilor Moore, seconded by Councilor Dirksen, to adopt Resolution No. 02-09.


RESOLUTION NO. 02-09 – A RESOLUTION OF THE TIGARD CITY COUNCIL ACKNOWLEDGING THE EXCELLENT LEADERSHIP AND COMMUNITY SERVICE RENDERED BY RONALD (RON) D. GOODPASTER, CITY OF TIGARD POLICE CHIEF FROM AUGUST 1, 1989 TO FEBRUARY 1, 2003.

The motion was approved by a unanimous vote of Council:


Mayor Griffith	-	Yes
Councilor Dirksen	-	Yes
Councilor Moore	-	Yes
Councilor Sherwood	-	Yes
Councilor Wilson	-	Yes

11. EXECUTIVE SESSION: Not held.

12. ADJOURNMENT: 10:16 p.m.


Catherine Wheatley, City Recorder

Attest:


~~Mayor, City of Tigard~~ Craig E. Dirksen, Council President
Date: April 8, 2003

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